

GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Ps- I&CAD Dept. Disciplinary proceedings against Sri Y.Sarith Babu, Dy. Executive engineer (Rtd), for the irregularities committed in excess payments made in execution of works relating to NSP (O&M) Division –punishment of 6 % cut in pension besides recovery of Rs. 2,29, 510/- (Rupees two lakhs twnty nine thousands five hundered and ten only) with 12 % interest per annum, imposed on Sri Y. Sarath Babu, Dy. Executive Engineer (Rtd) - orders issued.

IRRIGATION & CAD (SER.VII (V&E-2) DEPARTMENT
G.O.Rt.No. 1725 Dt. 31 -10-2009

Read the following :

Ref:- 1.From the General Administration (V&E) Dept Vigilance Report No. 375/ V&E-E2/97-5 Dt. 17-7-99.

2. Govt Memo.No. 31623/ CAD Ser.II.2/99-6,
dt.10-01- 2000

3. WSSD of Sri Y. Sarath Babu, Dy.EE, dt. 25-05-2000.

4. G.O.Rt.No. 485, I & CAD (CADA Ser.II) Dept,
dt. 30-04-2003.

5. From Sri D.Bhaskar Rao, Member, COI, Lr.No. COI/M-(DBR)/I&CAD/83/2003, dt. 10-10-2003.

6. Govt Memo. No. 31623/ CAD Ser.II-2/99-36,
dt. 27-01-2004.

7. From Sri Y.Sarath Babu, Dy.EE, representation dt. 15-03-04

8. Govt memo.No. 31623/ Ser.VII (V&E-2)/99-61,
dt. 28-05-2007.

9. From Sri Y.Sarath Babu, Dy.EE (Rtd) representation
dated 10-07-07.

10. Govt Memo.No. 31623/ Ser.VII (V&E-2)/99- 63, dt. 07-11-2007.

11. From the Secretary, APPSC Lr.No. 1805/ RT-I/1/07,
dt. 26-02-2008.

12. G.O.Ms.No. 70, I & CAD (Ser.VII(V&E-2) Department,
dt. 15-05-2008.

13. orders of the Hon`ble APAT in O.A.No. 6077/2008 filed by
Sri Y.Sarath Babu, Dy. Executive Engineer (Rtd)
dated 07-04-2009.

14. Govt memo No. 22649/ Ser.VII(V&E-2)/08-2, dt. 05-06-2009.

15. Represnetation of Sri Y.Sarath Babu, Dy. Executive
Engineer (Rtd) dated Nil.

16. Govt memo No. 22649/ Ser.VII(V&E-2)/08-3,
dt. 04-07-2009.

17. Represnetation dated 30-09-2009 received from Sri
M.Venkateswara Rao, Counsel for the applicant.

ORDER;

In the reference 1st cited the it has been brought to the notice of Government that certain Engineers/ Officers have made excess payments in execution of works relating to Nagarjuna Sagar Project (O & M) Division, Nuziveedu, Krishna District.

2. In the references 2nd read above, disciplinary proceedings have been initiated against Sri Y.Sarath Babu, DY.EE (now retired) as he has recorded excess measurement leading to excess payment to the Contractor and caused loss to the Government.

3. In the references 3rd read above, Sri Y.Sarath Babu, Dy.EE(Rtd) has submitted his Written Statement of Defense.

4. Government after careful examination of the WSSD of the charged officer, have decided to conduct regular enquiry into the charges framed against him, as the WSSD of the charged officer is not convincing.

5. In the reference 4rd read above, Sri B.Bhaskar Rao, Member, COI, has been appointed as Inquiring Authority into the charges framed against Sri G.Francis, Assistant Engineer.

6. In the reference 5th read above the Inquiring Authority has submitted his Enquiry Report stating that charges are not proved against the charged officer.

7. Government after careful examination of the Enquiry Report decided to deviate the findings of the Inquiring Authority . The reasons/ grounds for deviating the findings of the Inquiring Authority are as follows:

I. Findings of Inquiry Officer:- "There is no mention if only ordinate method is to be employed".

Reason for deviation:- There is no mention if only "Average level method" is to be employed either. The conventional method for payment is only "ordinate method". Only in case of approximate estimation of any quantity, average level method is used to save delay in plotting ordinates. "Level payment" does not mean computation of quantities as per 'average level method" because the former is specified basis for payment ie., "levels" in contrast with "tape measurements" and the latter is one of the methods of computation of areas/volumes.

II. Findings of Inquiry Officer:- "It is upto the authority who calculated the agreement to specify the method of calculation of quantities of earth work"

Reason for deviation:- The one and only method to be adopted for payment is "ordinate method" and hence not separately specified in the agreements. The average area method is for computing approximate quantities. If somebody misused this average area method to help the contractors and all the concerned officers were silent it does not mean that the same is authorized or endorsed by higher officers. No agreement authority is independent to specify his own method or method of his choice of calculation. The one and only method available is "ordinate method" for precise calculation of areas and other methods are approximate and hence not specially mentioned in the agreement in the content of payment.

III. Findings of Inquiry Officer:- "When the departmental subordinate adopted average level method, no body raised any objection as seen from records".

Reason for deviation :- If some Ticket Collectors let ticket-less travelers scot-free, it does not mean that "ticket-less travel" is one of the authorized modes of travel. It is beyond doubt that the Accused Officers have effected an excess payment of Rs.11,47,548/- and that is to be recovered from the Contractors if possible and if not from the Accused Officers.

8. In the reference 6th read above, while communicating the reasons for deviating the findings of the Inquiring Authority, Sri Y.Sarath Babu, Dy.EE(Rtd) has been directed to submit his representation, if any, on the decision of the Government.

9. In the references 7th read above, Sri Y. Sarath Babu, Dy.EE (Now retired) has submitted his representation with a request to drop further action against him.

10. Government, after careful examination of the representation of Y. Sarath Babu, Dy.EE (Now retired), provisionally decided to impose punishment of 6 % cut in pension besides recovery of 2,29, 510/- (Rupees two lakhs twnty nine thousands five hundred and ten only) with 12 % interest per annum.

11. In the reference 8th cited, while communicating the provisional decision taken by the Government, Sri Y.Sarath Babu has been requested to submit his representation on the provisional decision of the Government.

12. In the reference 9th read above, Sri Y.Sarath Babu, Dy.EE (Rtd) has submitted his representation with a request to drop further action against him.

13. Government, after careful examination of the representation of Sri Y.Sarath Babu, Dy.EE (Rtd) have decided to confirm the provisional decision taken against the individual as the individual has reiterated his earlier version already discussed in the enquiry report and there are no new ground to consider his request.

14. In the reference 10th read above, the Secretary, APPSC has been requested to communicate the concurrence of the APPSC on the provisional decision taken by the Government.

15. In the reference 11th read above, the Secretary, APPSC has communicated the concurrence of the Andhra Pradesh Public Service commission.

16. Government after careful examination of the entire issue, in the reference 12th read above, issued orders imposing a punishment of 6 % cut in pension besides recovery of 2,29, 510/- (Rupees two lakhs twenty nine thousands five hundred and ten only) with 12 % interest per annum on Sri Y.Sarath Babu, Dy.EE (Rtd) for his committed irregularities for excess payments made in execution of works relating to NSP (O&M) Division, Nuzivid, Krishna District.

17. Aggrieved by the orders of the Government, Sri Y.Sarath Babu, Dy. Executive Engineer (Rtd) has filed O.A.No. 6077/2008 before the Hon`ble APAT with a request to set aside the above orders.

18. The Hon`ble APAT in its orders dated 07-04-2009, while setting aside the orders issued in the reference 13th read above, directed the respondents to give an opportunity of hearing to the applicant with respect to the differing with the Enquiry Officers`s report is concerned and pass final orders after hearing the applicant.

19. Government , in pursuance of the orders of the Hon`ble APAT in O.A.No. 6077/2008, in the reference 14th read above, directed the applicant to present before the Joint Secretary to Government, on any day convenient to him between 08-06-2009 and 12-06-2009 during the office hours.

20. In response to the above, the applicant in the reference 15th cited, has informed that his health is not in good condition and he was unable to attend the office in person and as such he was deputing his counsel to present his case before the Government.

21. Governemnt after careful examination of the representation of the applicant have decided to allow his conseil/ representatiove, to present his cause before the Government.

22. In response to the above, Sri M.Venkateswara Rao, Counsel for the applicant in the reference 17th read above, has expressed his inability to present the case before the Government as he could not get requisite information from the applicant, as the health condition of Sri Y.Sarath babu was completely deteriorated. Sri M.Venkateswara Rao, Counsel for the applicant has therefore requested the

Governemnt to take necessary action at Government level under law of natural justice.

23. Government after careful examination of the entire issue, have hereby order to reimpose the penalty as decided earlier ie, punishment of 6 % cut in pension besides recovery of 2,29, 510/- (Rupees two lakhs twnty nine thousands five hundered and ten only) with 12 % interest per annum, on Sri Y.Sarith Babu, Dy. Executive Engineer (Rtd) as no convincing reply has been received from Sri Y.Sarith Babu, DY. EE(Rtd) though an oppertuinity has been given to present his case.

24. The Engineer-in-Chief (AW), I & CAD Department shall take necessary action to expedite the release of the balance retirement benefits of the individual .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief (AW), I & CAD Department, Hyderabad.

Copy to :

The Secretary, Andhra Pradesh Vigilance commission, hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

The Director General (V&E) Department, Hyderabad.

The Accountant General. Andhra Pradesh, Hyderabad.

The Government Pleader for Irrigation, APAT, Hyderabad.

SF/ SC.

// FORWARDED :: BY ORDER//

SECTION OFFICER